IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

CIVIL MISC. (TRANSFER)APPLICATION NO.08 OF 2005

Smt. Sanjivni Rathor W/o Sri Dushyant Rathor,
R/o Bist Estate Veer Bhatti, Tehsil & Distt. Nainital

..... Applicant

Versus

1. District Judge, Nainital
2. M/s Mannu Maharani Hotel Ltd., through its Managing Director Atul Jain, Mannu Maharani Hotel, Mallital, Nainital

..... Respondents

Shri Arvind Vashisth, learned counsel for the applicant.
Shri Siddhartha Sah, learned counsel for the respondents.

Dated: 15.09.2005

Hon'ble P.C. Verma, J.

By means of this application, the applicant has sought the transfer of Civil Suit No.31 of 2000, Smt. Sanjivani Rathor Vs. M/s Mannu Maharani Hotels Ltd., from the court of District Judge, Nainital to the court of Civil Judge (Senior Division) Nainital, power of which is being exercised by the C.J.M. at Nainital.

I have heard learned counsel for the parties and perused the affidavit filed in support of application.

Earlier, the case was transferred because there was no Civil Judge (Senior Division) at Nainital and the powers of Civil Judge (Senior Division) was not notified to be exercised by the C.J.M. Now, the notification has been issued and the C.J.M. has been vested with the jurisdiction to try the cases triable by Civil Judge (Senior Division) Nainital.

Therefore, the application is allowed. The Civil Suit No.31 of 2000, Smt. Sanjivani Rathor Vs. M/s Mannu Maharani Hotels Ltd., is transferred to the court of Civil Judge (Senior Division) Nainital who shall like the District Judge hear the case on day-to-day basis and dispose of the same as early as possible.

(P.C. Verma, J.)

Rajeev Dang